

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 3266  
OFFERED BY MR. SHADEGG AND MR. THOMPSON  
OF MISSISSIPPI**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Faster and Smarter Funding for First Responders Act  
4 of 2003”.

5 (b) TABLE OF CONTENTS.—The table of contents for  
6 this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Findings.  
Sec. 3. Faster and smarter funding for first responders.  
“Sec. 802. Faster and smarter funding for first responders.  
“Sec. 803. National standards for first responder equipment.  
“Sec. 804. National standards for first responder training.  
“Sec. 805. Consultation with standards organizations.”.  
Sec. 4. Emergency preparedness and response directorate.  
Sec. 5. Definition of first responder.  
Sec. 6. Modification of homeland security advisory system.  
“Sec. 203. Homeland Security Advisory System.”.  
Sec. 7. Civil Preparedness Liaison Office.  
“Sec. 510. Civil Preparedness Liaison Office.”.  
Sec. 8. Technical and conforming amendments.

**7 SEC. 2. FINDINGS.**

8 The Congress finds the following:

9 (1) In order to achieve its objective of mini-  
10 mizing the damage, and assisting in the recovery,  
11 from terrorist attacks, the Department of Homeland



1 Security must play a leading role in assisting com-  
2 munities to reach the level of preparedness they need  
3 to respond to a terrorist attack.

4 (2) First responder funding is not reaching the  
5 men and women on the front lines of our Nation's  
6 first response teams quickly enough, and sometimes  
7 not at all.

8 (3) To reform the current bureaucratic process  
9 so that homeland security dollars reach the first re-  
10 sponders who need it most, it is necessary to clarify  
11 and consolidate the authority and procedures of the  
12 Department of Homeland Security to support first  
13 responders.

14 (4) Insuring adequate resources for the new na-  
15 tional mission of homeland security requires a dis-  
16 crete and separate grant making process for home-  
17 land security funds for first response to terrorist  
18 acts, on the one hand, and for first responder pro-  
19 grams designed to meet pre-9/11 priorities, on the  
20 other.

21 (5) Homeland security grants to first respond-  
22 ers must be based not on political formulas, but  
23 rather on the best intelligence concerning the capa-  
24 bilities and intentions of our terrorist enemies, and  
25 that intelligence must be used to target resources to

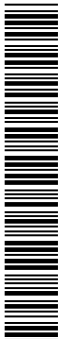


1 the Nation's greatest risks, vulnerabilities, and con-  
2 sequences.

3 (6) The Nation's first response capabilities will  
4 be improved by sharing resources, training, plan-  
5 ning, personnel, and equipment among neighboring  
6 jurisdictions through mutual aid agreements and re-  
7 gional cooperation. Such regional cooperation should  
8 be supported, where appropriate, through direct  
9 grant making from the Department of Homeland  
10 Security.

11 (7) An essential prerequisite to achieving the  
12 Nation's homeland security objectives for first re-  
13 sponders is the establishment of well-defined na-  
14 tional goals for terrorism preparedness. These goals  
15 should delineate the essential capabilities that every  
16 jurisdiction in America should possess or to which it  
17 should have access.

18 (8) A national determination of essential capa-  
19 bilities is needed to identify levels of State and local  
20 government terrorism preparedness, to determine  
21 the nature and extent of State and local first re-  
22 sponder needs, to identify the human and financial  
23 resources required to fulfill them, and to direct fund-  
24 ing to meet those needs and to measure prepared-  
25 ness levels on a national scale.

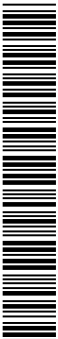


1           (9) To facilitate progress in attaining essential  
2           capabilities for State and local first responders, the  
3           Department of Homeland Security should seek to al-  
4           locate homeland security funding for first responders  
5           to meet nationwide needs.

6           (10) Private sector resources and citizen volun-  
7           teers can perform critical functions in assisting in  
8           preventing and responding to terrorist attacks, and  
9           should be integrated into State and local planning  
10          efforts to ensure that their capabilities and roles are  
11          understood, so as to provide enhanced State and  
12          local operational capability and surge capacity.

13          (11) Public-private partnerships, such as the  
14          partnership between the Business Executives for Na-  
15          tional Security and the State of New Jersey, popu-  
16          larly known as the “New Jersey Business Force”  
17          can be useful to identify and coordinate private sec-  
18          tor support for State and local first responders.  
19          Such models should be expanded to cover all States  
20          and territories.

21          (12) An important component of national  
22          standards is measurability, so that it is possible to  
23          determine how prepared a State or local government  
24          is now, and what additional steps it needs to take,  
25          in order to respond to acts of terrorism.



1           (13) The Department of Homeland Security  
2           should establish, publish, and regularly update vol-  
3           untary standards for both training and equipment,  
4           in cooperation with both public and private sector  
5           standard setting organizations, to assist State and  
6           local governments in obtaining the training and  
7           equipment to attain the essential capabilities for  
8           first response to acts of terrorism, and to insure  
9           that first responder funds are spent wisely.

10 **SEC. 3. FASTER AND SMARTER FUNDING FOR FIRST RE-**  
11 **SPONDERS.**

12           Subtitle A of title VIII of the Homeland Security Act  
13 of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is  
14 amended by adding at the end the following:

15 **“SEC. 802. FASTER AND SMARTER FUNDING FOR FIRST RE-**  
16 **SPONDERS.**

17           “(a) SHORT TITLE.—This section may be cited as the  
18 ‘Faster and Smarter Funding for First Responders Act’.

19           “(b) PRESERVATION OF PRE-9/11 GRANT PROGRAMS  
20 FOR TRADITIONAL FIRST RESPONDER MISSIONS.—

21           “(1) IN GENERAL.—This Act does not affect—

22                   “(A) any authority to make grants under  
23                   any Federal grant program in existence imme-  
24                   diately prior to September 11, 2001, that en-  
25                   hance traditional missions of State and local



1 law enforcement, firefighters, emergency med-  
2 ical services, or public health agencies; or

3 “(B) any Federal grant program that is  
4 not administered by the Department.

5 “(2) EXCLUDED PROGRAMS.—The Federal  
6 grant programs referred to in subsection (1) include  
7 the following:

8 “(A) FIRE GRANT PROGRAM.—The Fire  
9 Grant Program authorized by sections 33 and  
10 34 of the Federal Fire Prevention and Control  
11 Act of 1974.

12 “(B) EMERGENCY MANAGEMENT PLAN-  
13 NING AND ASSISTANCE ACCOUNT GRANTS.—The  
14 Emergency Management Performance Grant  
15 program and the Urban Search and Rescue  
16 Grants program authorized by title VI of the  
17 Robert T. Stafford Disaster Relief and Emer-  
18 gency Assistance Act (42 U.S.C. 5195 et seq.);  
19 the Departments of Veterans Affairs and Hous-  
20 ing and Urban Development, and Independent  
21 Agencies Appropriations Act, 2000 (113 Stat.  
22 1047 et seq.); and the Earthquake Hazards Re-  
23 duction Act of 1977 (42 U.S.C. 7701 et seq.).

24 “(C) DEPARTMENT OF JUSTICE LAW EN-  
25 FORCEMENT GRANT PROGRAMS.—The Local



1 Law Enforcement Block Grant program of the  
2 Department of Justice.

3 “(D) BYRNE MEMORIAL FORMULA  
4 GRANTS.—The Edward Byrne Memorial State  
5 and Local Law Enforcement Assistance Pro-  
6 grams authorized by part E of title I of the  
7 Omnibus Crime Control and Safe Streets Act of  
8 1968 (42 U.S.C. 3750 et seq.).

9 “(E) COPS.—The Public Safety and Com-  
10 munity Policing (‘COPS ON THE BEAT’)  
11 grant program authorized by part Q of title I  
12 of the Omnibus Crime Control and Safe Streets  
13 Act of 1968 (42 U.S.C. 3796dd et seq.).

14 “(F) HEALTH AND HUMAN SERVICES  
15 GRANT PROGRAMS.—Grant programs under the  
16 Public Health Service Act regarding prepared-  
17 ness for bioterrorism and other public health  
18 emergencies (including grants under sections  
19 319C–1, 319C–2, and 319F (42 U.S.C. 247d–  
20 3a, 247d–3b, 247d–6)), and the emergency re-  
21 sponse assistance program authorized by sec-  
22 tion 1412 of the National Defense Authoriza-  
23 tion Act for Fiscal Year 1997 (50 U.S.C.  
24 2312).



1 “(c) ESSENTIAL CAPABILITIES FOR FIRST RESPOND-  
2 ERS.—

3 “(1) IN GENERAL.—The Under Secretary for  
4 Emergency Preparedness and Response, in consulta-  
5 tion with the Under Secretaries for Border and  
6 Transportation Security, Information Analysis and  
7 Infrastructure Protection, and Science and Tech-  
8 nology, the Task Force on Essential Capabilities for  
9 First Responders established by subsection (d),  
10 other Federal agencies, State and local first re-  
11 sponder agencies and officials, and standard-setting  
12 bodies from the first responder community, shall es-  
13 tablish and regularly update clearly defined essential  
14 capabilities for State and local government emer-  
15 gency preparedness and response.

16 “(2) OBJECTIVES.—The Under Secretary for  
17 Emergency Preparedness and Response shall deter-  
18 mine the essential capabilities for State and local  
19 government emergency preparedness and response  
20 under paragraph (1) to meet the following objec-  
21 tives:

22 “(A) SPECIFICITY.—The determination of  
23 essential capabilities shall specifically describe  
24 the training, planning, personnel, and equip-  
25 ment which every jurisdiction in the Nation





1           should possess, or to which it should have ac-  
2           cess, in order to meet the Department's goals  
3           for terrorism preparedness based upon the most  
4           current risk assessment by the Directorate for  
5           Information Analysis and Infrastructure Pro-  
6           tection of the threats of terrorism against the  
7           United States.

8           “(B) FLEXIBILITY.—The determination of  
9           essential capabilities shall be sufficiently flexible  
10          to allow State and local government officials to  
11          set priorities based on particular needs, while  
12          reaching nationally determined preparedness  
13          levels within a specified time period.

14          “(C) MEASURABILITY.—The determination  
15          of essential capabilities shall be designed to en-  
16          able measurement of progress towards specific  
17          emergency preparedness and response goals.

18          “(3) CRITICAL INFRASTRUCTURE SECTORS TO  
19          BE CONSIDERED.—In determining the essential ca-  
20          pabilities for first responders, the variables of threat,  
21          vulnerability, and consequences with respect to the  
22          Nation's population (including transient commuting  
23          and tourist populations) and critical infrastructure  
24          shall specifically be considered. Such consideration  
25          shall be based upon the most current risk assess-



1       ment by the Directorate for Information Analysis  
2       and Infrastructure Protection of the full array of  
3       threats of terrorism against the United States, in-  
4       cluding specifically such threats to the following crit-  
5       ical infrastructure sectors in all areas of the Nation,  
6       urban and rural:

7               “(A) Agriculture.

8               “(B) Banking and finance.

9               “(C) Chemical industries.

10              “(D) The defense industrial base.

11              “(E) Emergency services.

12              “(F) Energy.

13              “(G) Food.

14              “(H) Government.

15              “(I) Postal and shipping.

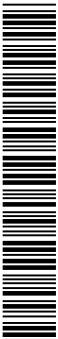
16              “(J) Public health.

17              “(K) Information and telecommunications  
18       networks.

19              “(L) Transportation.

20              “(M) Water.

21              “(4)     CONSIDERATION     OF     ADDITIONAL  
22       THREATS.—In addition, such determination shall  
23       take into account any other specific threat to a pop-  
24       ulation (including a transient commuting or tourist  
25       population) or critical infrastructure sector that the

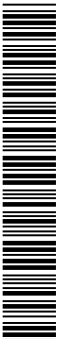


1 Department's Directorate for Information Analysis  
2 and Infrastructure Protection has determined to  
3 exist.

4 “(d) TASK FORCE ON ESSENTIAL CAPABILITIES FOR  
5 FIRST RESPONDERS.—

6 “(1) ESTABLISHMENT.—To assist the Under  
7 Secretary for Emergency Preparedness and Re-  
8 sponse in carrying out the Directorate's responsibil-  
9 ities for the determination of essential capabilities  
10 for first responders under this section, there is here-  
11 by established a Task Force on Essential Capabili-  
12 ties for First Responders.

13 “(2) DRAFT REPORT.—The Task Force shall  
14 submit a draft report by June 1 of each year to the  
15 Under Secretary for Emergency Preparedness and  
16 Response, on the essential capabilities all State and  
17 local government first responders should possess, or  
18 to which they should have access, to prevent a ter-  
19 rorist attack, to protect our infrastructure against  
20 attack, and to enhance our response capabilities  
21 across the United States if such an attack occurs,  
22 based upon the most current risk assessment by the  
23 Directorate for Information Analysis and Infrastruc-  
24 ture Protection of the terrorist threat. The report  
25 shall include—



1           “(A) a priority ranking of such essential  
2 capabilities, in order to provide guidance to the  
3 Department and to the Congress on deter-  
4 mining funding levels for first responder needs;

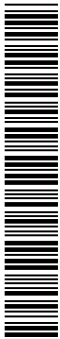
5           “(B) the availability of voluntary con-  
6 sensus standards, and whether there is a need  
7 for new voluntary consensus standards, with re-  
8 spect to first responder training and equipment;

9           “(C) a methodology by which any State or  
10 local government will be able to determine the  
11 extent to which it has, or has not yet, obtained  
12 access to the essential capabilities that State  
13 and local governments having similar risks  
14 should obtain;

15           “(D) such additional matters as the Under  
16 Secretary may specify in order to further the  
17 homeland security-related capabilities of State  
18 and local first responders; and

19           “(E) Such revisions to the contents of past  
20 reports as are necessary to take into account  
21 changes in the nature or level of threat and vul-  
22 nerability since the previous report.

23           “(3) UTILIZATION OF EXISTING ASSESS-  
24 MENTS.—To the greatest extent practicable, the  
25 Task Force shall utilize existing Department assess-



1       ments of State and local needs for essential capabili-  
2       ties to develop the methodology under subparagraph  
3       (C) of paragraph (2).

4               “(4) THREATS TO BE CONSIDERED IN DETER-  
5       MINING ESSENTIAL CAPABILITIES.—In reporting to  
6       the Under Secretary for Emergency Preparedness  
7       and Response on its recommendations for essential  
8       capabilities, the Task Force shall specifically con-  
9       sider the following threats to populations in all areas  
10      of the Nation, urban and rural, and to the critical  
11      infrastructure sectors specified in subsection (c)(3):

12               “(A) Biological threats.

13               “(B) Nuclear threats.

14               “(C) Radiological threats.

15               “(D) Incendiary threats.

16               “(E) Chemical threats.

17               “(F) Explosives.

18               “(G) Suicide bombers.

19               “(H) Cyber threats.

20               “(I) Any other threats to a jurisdiction  
21      and proximate jurisdictions based on specific  
22      past acts of terrorism or the known activity of  
23      any terrorist group within those jurisdictions.

24               “(5) TASK FORCE ACCESS TO INFORMATION.—

25      In carrying out its responsibilities under this section,

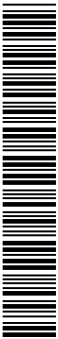


1 the Task Force shall be provided as a matter of pri-  
2 ority, appropriate security clearances and access to  
3 all finished intelligence and analytic products it may  
4 request from the Directorate for Information Anal-  
5 ysis and Infrastructure Protection concerning the  
6 nature and likelihood of terrorist attacks on the ter-  
7 ritory of the United States. Nothing in this sub-  
8 section shall be considered to authorize a member of  
9 the Task Force access to classified information in  
10 connection with Task Force responsibilities unless  
11 that member possesses current clearances to receive  
12 such information.

13 “(6) REVIEW AND REVISION OF DRAFT RE-  
14 PORT.—

15 “(A) REVIEW AND COMMENTS.—Within 30  
16 days after the date of the submission of the  
17 proposed methodology by the Task Force under  
18 paragraph (2)(C), the Under Secretary for  
19 Emergency Preparedness and Response shall  
20 review and provide comments to the Task Force  
21 on the essential capabilities it has identified  
22 pursuant to its responsibilities under paragraph  
23 (2).

24 “(B) REVISION AND SUBMISSION OF FINAL  
25 REPORT.—Within 30 days after receiving the



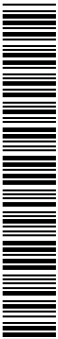
1 Under Secretary's comments, the Task Force  
2 shall—

3 “(i) revise its draft report under para-  
4 graph (2) on essential capabilities based on  
5 the comments provided by the Under Sec-  
6 retary for Emergency Preparedness and  
7 Response, and any other comments it has  
8 solicited and received, if the Task Force  
9 determines that such revisions are appro-  
10 priate; and

11 “(ii) submit the final report on essen-  
12 tial capabilities to the Under Secretary for  
13 Emergency Preparedness and Response,  
14 the Select Committee on Homeland Secu-  
15 rity and the Committee on Appropriations  
16 of the House of Representatives, and the  
17 Committee on Governmental Affairs and  
18 the Committee on Appropriations of the  
19 Senate.

20 “(C) PROVISION OF FINAL REPORT TO  
21 STATES.—The Secretary shall ensure that the  
22 Task Force's final report on essential capabili-  
23 ties under clause (ii) is provided to the States.

24 “(7) MEMBERSHIP.—



1           “(A) IN GENERAL.—The Task Force shall  
2 consist of not less than 25 members appointed  
3 by the Secretary not later than 60 days after  
4 the date of enactment of this section, and  
5 shall—

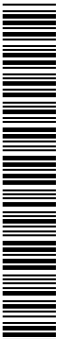
6           “(i) represent a cross section of first  
7 responder disciplines; and

8           “(ii) include both State and local rep-  
9 resentatives within each discipline.

10          “(B) TERM OF MEMBERS.—Each ap-  
11 pointed member of the Task Force shall serve  
12 for a term not to exceed one year, expiring on  
13 June 1 following the date of the member’s ap-  
14 pointment. There shall be no limit on the num-  
15 ber of terms for which a member may be re-  
16 appointed.

17          “(C) SELECTION OF MEMBERS.—The Sec-  
18 retary shall include in the membership of the  
19 Task Force—

20           “(i) members selected from the emer-  
21 gency response field, including firefighters,  
22 law enforcement, hazardous materials re-  
23 sponse, emergency medical services, and  
24 emergency management personnel, includ-





1 ing public works personnel routinely en-  
2 gaged in emergency response;

3 “(ii) health scientists, emergency and  
4 inpatient medical providers, and public  
5 health professionals, including experts in  
6 emergency health care response to chem-  
7 ical, biological, radiological, and nuclear  
8 terrorism, and experts in providing mental  
9 health care during emergency response op-  
10 erations;

11 “(iii) experts from Federal, State, and  
12 local governments, and the private sector,  
13 representing standards-setting organiza-  
14 tions, including representation from the  
15 voluntary consensus codes and standards  
16 development community, particularly those  
17 with expertise in firefighting, law enforce-  
18 ment, and emergency medical services de-  
19 livery; and

20 “(iv) State and local officials with ex-  
21 pertise in homeland security-related mat-  
22 ters, provided that if any such officials are  
23 elected officials, an equal number shall be  
24 selected from each of the two major polit-  
25 ical parties.



1           “(D) EX OFFICIO MEMBERS.—The Task  
2 Force shall have the following ex officio mem-  
3 bers:

4           “(i) The Director of the Office for  
5 Domestic Preparedness (or the Director’s  
6 designee).

7           “(ii) The Director of the Office for  
8 State and Local Government Coordination  
9 (or the Director’s designee).

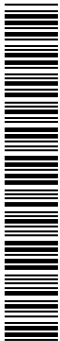
10           “(iii) The Under Secretary for Emer-  
11 gency Preparedness and Response (or the  
12 Under Secretary’s designee), who shall be  
13 the designated officer of the Federal Gov-  
14 ernment for purposes of subsection (e) of  
15 section 10 of the Federal Advisory Com-  
16 mittee Act.

17           “(E) DIVERSITY IN COMPOSITION OF TASK  
18 FORCE.—In appointing members to the Task  
19 Force, the Secretary shall ensure that its  
20 membership—

21           “(i) is geographically diverse;

22           “(ii) includes representatives from  
23 both rural and urban jurisdictions;

24           “(iii) includes representatives from  
25 both management and labor;



1 “(iv) includes representatives from  
2 both uniformed and nonuniformed profes-  
3 sions;

4 “(v) includes representatives from  
5 both voluntary and professional services;  
6 and

7 “(vi) includes sufficient personnel  
8 with security clearances necessary to re-  
9 view classified materials that may be need-  
10 ed to conduct the business of the Task  
11 Force.

12 “(F) CHAIR.—At the first meeting of the  
13 Task Force, the membership of the Task Force  
14 appointed under subparagraph (C) shall elect a  
15 chair of the Task Force.

16 “(8) MEETINGS.—The Task Force shall meet—

17 “(A) not less than quarterly each year; and

18 “(B) as often as necessary to complete the  
19 annual reports required under this section by  
20 June 1 immediately following the enactment of  
21 this section.

22 “(9) PAY.—

23 “(A) IN GENERAL.—Members of the Task  
24 Force shall serve without pay by reason of their  
25 work on the Task Force.

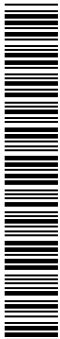


1           “(B) FEDERAL OFFICERS AND EMPLOY-  
2           EES.—Members of the Task Force who are offi-  
3           cers or employees of the United States shall re-  
4           ceive no additional pay by reason of their serv-  
5           ice as a member of the Task Force.

6           “(10) TRAVEL EXPENSES.—Members of the  
7           Task Force shall be allowed travel expenses, includ-  
8           ing per diem in lieu of subsistence, at rates author-  
9           ized for employees of agencies under subchapter I of  
10          chapter 57 of title 5, United States Code, while  
11          away from their homes or regular places of business  
12          in the performance of services for the Task Force.

13          “(11) SERVICES, FUNDS, AND STAFF.—The  
14          Secretary shall provide to the Task Force, on a non-  
15          reimbursable basis, such administrative services,  
16          funds, staff, facilities, and other support services as  
17          the Secretary determines necessary for the Task  
18          Force to perform its duty efficiently and in accord-  
19          ance with this section.

20          “(12) DETAILS.—Upon the request of the Task  
21          Force, the Secretary may detail, without reimburse-  
22          ment, any personnel of the Department to assist the  
23          Task Force in carrying out its duties. Any such de-  
24          tail of an employee shall be without interruption or  
25          loss of civil service status or privilege.



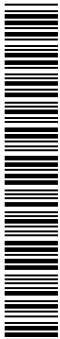
1           “(13) APPLICABILITY OF FEDERAL ADVISORY  
2           COMMITTEE ACT.—The Federal Advisory Committee  
3           Act (5 U.S.C. App.) shall apply to the Task Force.  
4           For purposes of the application of such Act and of  
5           subsection (c) of section 552b of title 5, United  
6           States Code, the Task Force shall close any meeting  
7           and shall not otherwise publish information there-  
8           from, which could, directly or indirectly, provide in-  
9           formational assistance to potential terrorist enemies  
10          of the United States.

11          “(e) FIRST RESPONDER GRANTS AUTHORIZED.—

12           “(1) IN GENERAL.—There is hereby established  
13           the First Responder Grant Program, under which  
14           the Secretary may make grants in accordance with  
15           this section to States and regions.

16           “(2) APPLICATION OF ACT TO ALL HOMELAND  
17           SECURITY FIRST RESPONDER GRANTS.—Except as  
18           provided in paragraph (b), all grants by the Sec-  
19           retary with amounts made available after the date of  
20           the enactment of this Act for first responders shall  
21           be awarded under the First Responder Grant Pro-  
22           gram, and shall be made to either States or regions  
23           in accordance with this section.

24           “(3) ADMINISTRATION.—



1           “(A) IN GENERAL.—The Secretary shall  
2 administer the program through the First Re-  
3 sponder Grant Board established by this para-  
4 graph.

5           “(B) ESTABLISHMENT OF BOARD.—There  
6 is established the First Responder Grant  
7 Board.

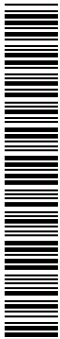
8           “(C) MEMBERSHIP.—The Board shall con-  
9 sist of the Under Secretary for Emergency Pre-  
10 paredness and Response, the Under Secretary  
11 for Border and Transportation Security, the  
12 Under Secretary for Information Analysis and  
13 Infrastructure Protection, and the Under Sec-  
14 retary for Science and Technology.

15           “(D) CHAIRMAN.—The Under Secretary  
16 for Emergency Preparedness and Response  
17 shall be the Chairman of the Board.

18           “(E) FUNCTIONS.—The Board shall  
19 present recommendations and rankings for  
20 grants under this section to the Secretary. The  
21 Secretary shall have final authority for approv-  
22 ing all grants under the this section.

23           “(f) GRANT CRITERIA AND ELIGIBILITY.—

24           “(1) GRANT CRITERIA.—The Secretary shall  
25 make grants under this section to assist States and



1 local governments in achieving the essential capabili-  
2 ties for first responders established by the Under  
3 Secretary for Emergency Preparedness and Re-  
4 sponse pursuant to subsection (c).

5 “(2) GRANT ELIGIBILITY.—To be eligible for a  
6 grant under this section an applicant must be—

7 “(A) a State; or

8 “(B) a region.

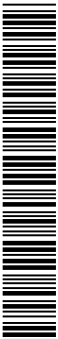
9 “(3) STATE HOMELAND SECURITY PLANS.—In  
10 order to submit an application for a grant program  
11 under subsection (e), a State must submit to the  
12 Under Secretary a 3-year plan that—

13 “(A) uses the methodology developed by  
14 the Task Force under section (d)(2)(C), to de-  
15 termine the essential capabilities that apply to  
16 the State;

17 “(B) demonstrates the extent to which the  
18 State has achieved the essential capabilities  
19 that apply to the State;

20 “(C) demonstrates the additional needs of  
21 the State to achieve the essential capabilities  
22 that apply to the State;

23 “(D) includes a prioritization of such addi-  
24 tional needs based on the threat, vulnerability,



1 and consequence assessment factors included in  
2 the methodology developed by the Task Force;

3 “(E) describes how the State intends to  
4 address such additional needs at the city, coun-  
5 ty, regional, State, or interstate level; and

6 “(F) is developed in consultation with and  
7 subject to appropriate comment by local govern-  
8 ments within the State.

9 “(4) CONSISTENCY WITH STATE PLANS.—Any  
10 grant awarded under this section shall be used to  
11 supplement and support, in a consistent and coordi-  
12 nated manner, essential capabilities identified in the  
13 homeland security plan or plans for the State home-  
14 land security plan or plans under paragraph (3) that  
15 are specified in the application for the grant.

16 “(g) APPLICATION FOR GRANT.—

17 “(1) IN GENERAL.—Any State or region may  
18 apply for a grant under this section by submitting  
19 to the Secretary an application at such time, in such  
20 manner, and containing such information as re-  
21 quired under this section, and as the Secretary may  
22 reasonably require.

23 “(2) DEADLINES FOR APPLICATIONS AND  
24 AWARDS.—All applications for grants under this sec-  
25 tion must be submitted to the Department no later





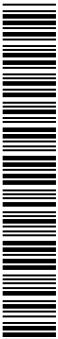
1       than February 15 of the fiscal year for which they  
2       are submitted. All awards for such fiscal year shall  
3       be made by the Secretary as soon as practicable, but  
4       not later than July 31 of such year.

5           “(3) MINIMUM CONTENTS OF APPLICATION.—  
6       The Secretary shall require that each applicant in-  
7       clude in its application, at a minimum—

8           “(A) the purpose for which the applicant  
9       seeks grant funds and the reasons why the ap-  
10      plicant needs the grant to meet the essential ca-  
11      pabilities for preparedness and response within  
12      the State or region to which the application  
13      pertains;

14          “(B) a description of how, by reference to  
15      the applicable State homeland security plan or  
16      plans under subsection (f)(3), the allocation of  
17      grant funding proposed in the application, in-  
18      cluding, where applicable, the amount not  
19      passed through under subsection (j)(1), would  
20      assist in fulfilling the essential capabilities  
21      needs specified in such plan or plans;

22          “(C) a statement of why the proposed use  
23      of funds has not traditionally been a central  
24      first responder mission, and a representation



1 that grant funds will not be used to supplant  
2 other funds for such traditional missions;

3 “(D) a statement of whether a mutual aid  
4 agreement applies to the use of the grant funds;

5 “(E) if the applicant is a region—

6 “(i) a precise geographical description  
7 of the region and a specification of all par-  
8 ticipating and nonparticipating local gov-  
9 ernments within the geographical area  
10 comprising that region;

11 “(ii) a specification of what govern-  
12 mental entity within the region will admin-  
13 ister the expenditure of funds under the  
14 grant; and

15 “(iii) the designation of a specific in-  
16 dividual to serve as regional liaison;

17 “(F) a capital budget showing how the ap-  
18 plicant intends to allocate and expend the grant  
19 funds; and

20 “(G) a statement of how the applicant in-  
21 tends to meet the matching requirement, if any,  
22 under subsection (j)(2)(C).

23 “(4) UTILIZATION OF ESSENTIAL CAPABILI-  
24 TIES.—The Under Secretary for Emergency Pre-  
25 paredness and Response shall require that, in order



1 to qualify for the grant program under this section,  
2 a State or region must utilize the Task Force's final  
3 prioritization and methodology for determining of es-  
4 sential capabilities to determine the funding and  
5 other resources required to meet the preparedness  
6 needs of the State or region.

7 “(5) REGIONAL LIAISON FUNCTIONS.—A re-  
8 gional liaison designated under subparagraph  
9 (E)(iii) shall—

10 “(A) develop a process for receiving input  
11 from State, local, regional, and private sector  
12 officials within the region to assist in the devel-  
13 opment of regional homeland security plans and  
14 activities and improve their access to Federal  
15 grant funding under this section; and

16 “(B) coordinate with Federal, State, local,  
17 regional, and private officials within the region  
18 concerning terrorism preparedness.

19 “(6) EQUIPMENT STANDARDS.—If an applicant  
20 for a grant under this section proposes to upgrade  
21 or purchase, with assistance provided under the  
22 grant, new equipment or systems that do not meet  
23 or exceed any applicable advisory standards issued  
24 by the Department, the applicant shall include in the  
25 application an explanation of why such equipment or



1 systems will serve the needs of the applicant better  
2 than equipment or systems that do meet or exceed  
3 such standards.

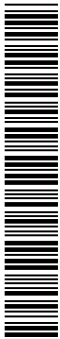
4 “(h) RANKING OF GRANT APPLICATIONS.—

5 “(1) GRANTS TO ACHIEVE ESSENTIAL CAPA-  
6 BILITIES.—The Board shall evaluate and annually  
7 prioritize all current applications for grants under  
8 this section based upon the degree to which they  
9 would, by improving applicants’ essential capabili-  
10 ties, advance the Nation’s achievement of the essen-  
11 tial capabilities for first responders established by  
12 the Task Force pursuant to subsection (c).

13 “(2) ACHIEVING NATIONWIDE CAPABILITY.—In  
14 evaluating and prioritizing grant applications under  
15 paragraph (1), and in making recommendations for  
16 awarding grants, including recommendations to  
17 award a portion of the funding requested in any  
18 such application, the Board shall—

19 “(A) seek to achieve and enhance essential  
20 capabilities throughout the Nation; and

21 “(B) seek to allocate a portion of the funds  
22 made available each fiscal year for grants under  
23 this section to every applicant that the Board  
24 determines has demonstrated a valid need in its  
25 application for a grant.



1 “(i) USE OF FUNDS.—

2 “(1) IN GENERAL.—Grants under this section  
3 may be used for—

4 “(A) the purchase or upgrading of equip-  
5 ment, including computer software;

6 “(B) exercises to strengthen emergency re-  
7 sponse;

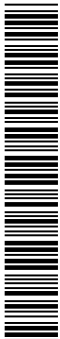
8 “(C) training, including in the use of  
9 equipment and of computer software;

10 “(D) training for prevention (including de-  
11 tection) of, preparedness for, or response to at-  
12 tacks involving weapons of mass destruction, re-  
13 gardless of their perpetrators or sponsorship,  
14 including exercises to strengthen emergency  
15 preparedness of State, regional, and local first  
16 responders;

17 “(E) developing or updating emergency re-  
18 sponse plans;

19 “(F) establishing or enhancing mecha-  
20 nisms for sharing terrorism threat information  
21 pursuant to this Act;

22 “(G) systems architecture and engineering,  
23 program planning and management, strategy  
24 formulation and strategic planning, life-cycle  
25 systems design, product and technology evalua-



1           tion, and prototype development for emergency  
2           preparedness and response purposes;

3           “(H) additional personnel costs resulting  
4           from—

5           “(i) elevations in the threat alert level  
6           of the Homeland Security Advisory Sys-  
7           tem;

8           “(ii) travel to and participation in ex-  
9           ercises and training in the use of equip-  
10          ment and on prevention activities; and

11          “(iii) the temporary replacement of  
12          personnel during any period of travel to  
13          and participation in exercises and training  
14          in the use of equipment and on prevention  
15          activities;

16          “(I) the costs of equipment (including soft-  
17          ware) and facilities required to receive, trans-  
18          mit, handle, and store classified information;

19          “(J) developing and enhancing facilities to  
20          serve as emergency operations centers;

21          “(K) the costs of commercially available  
22          equipment that complies with, where applicable,  
23          approved and open standards, and that facili-  
24          tates interoperability, coordination, and integra-



1           tion between emergency communications sys-  
2           tems, including—

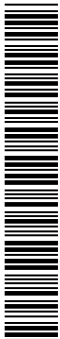
3                   “(i) mobile vehicles that contain  
4                   equipment such as commercial telephone  
5                   trunk lines, VHF and UHF radios, patch  
6                   panels, and crosspatches, among other  
7                   technologies and equipment; and

8                   “(ii) communications system overlay  
9                   software and hardware that allow multiple  
10                  disparate communications networks to act  
11                  as one network; and

12                  “(L) training and exercises to assist public  
13                  elementary and secondary schools in developing  
14                  and implementing programs to instruct stu-  
15                  dents regarding age-appropriate skills to pre-  
16                  pare for and respond to a man-made emergency  
17                  or a natural disaster.

18                  “(2) PROHIBITED USES.—Grant funds under  
19                  this section may not be used—

20                   “(A) to supplant State or local funds for  
21                   traditional missions of State and local law en-  
22                   forcement, firefighters, emergency medical serv-  
23                   ices, or public health agencies;



1           “(B) to construct buildings or other phys-  
2           ical facilities, except as authorized under para-  
3           graph (1);

4           “(C) to acquire land; or

5           “(D) for any State or local government  
6           cost sharing contribution.

7           “(3) ASSISTANCE REQUIREMENT.—The Sec-  
8           retary may not request that equipment paid for,  
9           wholly or in part, with grant funds under this sec-  
10          tion be made available for responding to emergencies  
11          in surrounding States, regions, and localities, unless  
12          the Secretary undertakes to pay the costs directly  
13          attributable to transporting and operating such  
14          equipment during such response.

15          “(4) FLEXIBILITY IN UNSPENT HOMELAND SE-  
16          curity GRANT FUNDS.—Upon request by a grantee  
17          under this section, the Secretary may authorize the  
18          grantee to transfer all or part of funds provided as  
19          a grant under this section, from uses specified in the  
20          grant to other uses authorized under this Act, if the  
21          Secretary determines that such transfer is in the in-  
22          terests of homeland security.

23          “(j) STATE AND REGIONAL RESPONSIBILITIES.—

24          “(1) PASS-THROUGH.—The Secretary shall re-  
25          quire a recipient of a grant under this section that





1 is a State to provide to local governments, first re-  
2 sponders, and other local groups, to the extent re-  
3 quired under the State homeland security plan speci-  
4 fied in the application for the grant, not less than  
5 80 percent of the grant funds, resources purchased  
6 with the grant funds having a value equal to at least  
7 80 percent of the amount of the grant, or a com-  
8 bination thereof, by not later than the end of the 45-  
9 day period beginning on the date the grant recipient  
10 receives the grant funds.

11 “(2) COST SHARING.—

12 “(A) IN GENERAL.—The Federal share of  
13 the costs of an activity carried out with a grant  
14 to a State or region under this section awarded  
15 after the 2-year period beginning on the date of  
16 the enactment of this Act shall not exceed 75  
17 percent.

18 “(B) INTERIM RULE.—The Federal share  
19 of the costs of an activity carried out with a  
20 grant to a State or region under this section  
21 awarded before the end of the 2-year period be-  
22 ginning on the date of the enactment of this  
23 Act shall be 100 percent.

24 “(C) IN-KIND MATCHING.—States and re-  
25 gions that receive a grant under this section



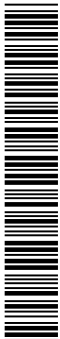
1           may meet the matching requirement under sub-  
2           paragraph (A) by making in-kind contributions  
3           of goods or services that are directly linked with  
4           the purpose for which the grant is made, in-  
5           cluding, but not limited to, any necessary per-  
6           sonnel overtime, contractor services, administra-  
7           tive costs, equipment fuel and maintenance, and  
8           rental space.

9           “(3) REPORT ON HOMELAND SECURITY SPEND-  
10          ING.—Each recipient of a grant under this section  
11          shall submit a report to the Secretary, not later than  
12          30 days after the end of each fiscal year, that in-  
13          cludes the following:

14                 “(A) The amount, ultimate recipients, and  
15                 dates of receipt of all grant funds received dur-  
16                 ing the previous fiscal year.

17                 “(B) The amount and the dates of dis-  
18                 bursements of all funds expended in compliance  
19                 with subsection (j)(1) or pursuant to mutual  
20                 aid agreements or other sharing arrangements  
21                 that apply within a region during the previous  
22                 fiscal year.

23                 “(C) How the funds were utilized by each  
24                 ultimate recipient or beneficiary during the pre-  
25                 vious fiscal year.



1           “(D) The extent to which essential capa-  
2           bilities identified in the applicable State home-  
3           land security plan or plans were created or en-  
4           hanced as the result of the expenditure of grant  
5           funds during the previous fiscal year.

6           “(E) The extent to which essential capa-  
7           bilities identified in the applicable State home-  
8           land security plan or plans remain unmet.

9           “(4) INCLUSION OF RESTRICTED ANNEXES.—A  
10          recipient of a grant under this section may submit  
11          to the Secretary—

12           “(A) a classified annex to the report under  
13           paragraph (3), if the recipient believes that dis-  
14           cussion in the report of gaps and unmet needs  
15           would reveal classified information; and

16           “(B) an annex to the report under para-  
17           graph (3) that is subject to appropriate han-  
18           dling restrictions, if the recipient believes that  
19           discussion in the report of gaps and unmet  
20           needs would reveal sensitive but unclassified in-  
21           formation.

22           “(k) INCENTIVES TO EFFICIENT ADMINISTRATION  
23          OF HOMELAND SECURITY GRANTS.—

24           “(1) PENALTIES FOR DELAY IN PASSING  
25          THROUGH LOCAL SHARE.—If a grant recipient under



1       this section fails to pass through to local govern-  
2       ments, first responders, and other local groups funds  
3       or resources required by subsection (j)(1) within 45  
4       days after receiving grant funds under this section,  
5       the Secretary may—

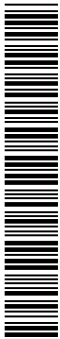
6               “(A) reduce grant payments to the grant  
7       recipient from the portion of grant funds that  
8       is not required to be passed through under sub-  
9       section (j)(1);

10              “(B) terminate payment of grant funds  
11       under this section to the recipient, and transfer  
12       the appropriate portion of those funds directly  
13       to local first responders that were intended to  
14       receive funding under that grant; or

15              “(C) impose additional restrictions or bur-  
16       dens on the recipient’s use of grant funds under  
17       this section, which may include—

18                   “(i) prohibiting use of such funds to  
19       pay the grant recipient’s grant-related  
20       overtime or other expenses;

21                   “(ii) requiring the grant recipient to  
22       distribute to local government beneficiaries  
23       all or a portion of grant funds that are not  
24       required to be passed through under sub-  
25       section (j)(1); or



1           “(iii) for each day that the grant re-  
2           cipient fails to pass through funds or re-  
3           sources in accordance with subsection  
4           (j)(1), reducing grant payments to the  
5           grant recipient from the portion of grant  
6           funds that is not required to be passed  
7           through under subsection (j)(1), except  
8           that the total amount of such reduction  
9           may not exceed 20 percent of the total  
10          amount of the grant.

11          “(2) EXTENSION OF PERIOD.—The Governor of  
12          a State may request in writing that the Secretary  
13          extend the 45-day period under paragraph (1) for an  
14          additional 15 days. The Secretary may approve such  
15          a request, and may extend such period for additional  
16          15-day periods, if the Secretary determines that the  
17          resulting delay in providing grant funding to the  
18          local government entities that will receive funding  
19          under the grant will not have a negative impact on  
20          their development of the appropriate essential capa-  
21          bilities for emergency preparedness and response.

22          “(3) PROVISION OF NON-LOCAL SHARE TO  
23          LOCAL GOVERNMENT.—

24                 “(A) The Secretary may upon request by  
25                 a local government pay to the local government



1 a portion of the amount of a grant to a State  
2 or region in the jurisdiction of which the local  
3 government is located, if—

4 “(i) the local government will use the  
5 amount paid to expedite planned enhance-  
6 ments to its homeland security-related  
7 readiness as described in the applicable  
8 State homeland security plan or plans; and

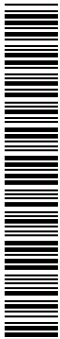
9 “(ii) the State or region has failed to  
10 pass through funds or resources in accord-  
11 ance with subsection (j)(1).

12 “(B) To receive a payment under this  
13 paragraph, a local government must dem-  
14 onstrate that—

15 “(i) it is identified explicitly as an ul-  
16 timate recipient or intended beneficiary in  
17 the approved grant application;

18 “(ii) it was intended by the grantee to  
19 receive a severable portion of the overall  
20 grant for a specific purpose that is identi-  
21 fied in the grant application;

22 “(iii) it petitioned the grantee for the  
23 funds or resources after expiration of the  
24 period within which the funds or resources



1                   were required to be passed through under  
2                   subsection (j)(1); and

3                   “(iv) it did not receive the portion of  
4                   the overall grant that was earmarked or  
5                   designated for its use or benefit.

6                   “(C) To obtain a payment under this para-  
7                   graph, a local government must provide a copy  
8                   of the original grant application.

9                   “(D) Payment of grant funds to a local  
10                  government under this paragraph—

11                  “(i) shall not affect any payment to  
12                  another local government under this para-  
13                  graph; and

14                  “(ii) shall not prejudice consideration  
15                  of a request for payment under this para-  
16                  graph that is submitted by another local  
17                  government.

18                  “(E) The Secretary shall approve or dis-  
19                  approve each request for payment under this  
20                  paragraph by not later than 15 days after the  
21                  date the request is received by the Department.

22                  “(l) REPORTS REGARDING DISTRIBUTION OF GRANT  
23                  FUNDS TO LOCAL GOVERNMENTS.—Any State or region  
24                  that receives a grant under this section shall report to the  
25                  Secretary, by not later than 30 days after the expiration



1 of the period described in subsection (j)(1) with respect  
2 to the grant, regarding the required distribution of grant  
3 funds and resources to local governments, first responders,  
4 and other local groups pursuant to subsection (j)(1).

5 “(m) REPORTS TO CONGRESS.—The Secretary shall  
6 submit an annual report to the Select Committee on  
7 Homeland Security and the Committee on Appropriations  
8 of the House of Representatives and the Committee on  
9 Governmental Affairs and the Committee on Appropria-  
10 tions of the Senate by December 31 of each year—

11 “(1) describing in detail the amount of Federal  
12 funds provided as grants under this section that  
13 were directed to each State and region in the pre-  
14 ceding fiscal year;

15 “(2) containing information on the use of such  
16 grant funds by grantees; and

17 “(3) describing, on a nationwide and State-by-  
18 State basis—

19 “(A) the extent to which essential capabili-  
20 ties identified in applicable State homeland se-  
21 curity plan or plans were created or enhanced  
22 as the result of the expenditure of grant funds  
23 during the previous fiscal year;





1           “(B) the extent to which essential capabili-  
2           ties identified in applicable State homeland se-  
3           curity plan or plans remain unmet; and

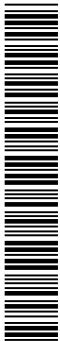
4           “(C) an estimate of the amount of Federal,  
5           State, and local expenditures required to attain  
6           the nationwide essential capabilities identified  
7           in subsection (c).

8           “(n) DEFINITIONS.—In this section:

9           “(1) BOARD.—The term ‘Board’ means the  
10          First Responder Grant Board established by sub-  
11          section (e)(3).

12          “(2) ELEVATED THREAT LEVEL DESIGNA-  
13          TION.—The term ‘elevated threat level designation’  
14          means any designation that raises the national  
15          homeland security threat level to either the highest  
16          or second highest threat level under the Homeland  
17          Security Advisory System administered by the  
18          Under Secretary of Homeland Security for Informa-  
19          tion Analysis and Infrastructure Protection pursuant  
20          to section 201(d)(7).

21          “(3) ESSENTIAL CAPABILITIES.—The term ‘es-  
22          sential capabilities’ means the levels, availability,  
23          and competence of emergency personnel, planning,  
24          training, and equipment across a variety of dis-  
25          ciplines needed to effectively and efficiently prevent,



1       prepare for, and respond to acts of terrorism con-  
2       sistent with established practices.

3               “(4) REGION.—The term ‘region’ means—

4               “(A) any geographic area consisting of all  
5       or parts of 2 or more contiguous States, coun-  
6       ties, municipalities, or other local governments  
7       that have a combined population of at least  
8       1,650,000 or have an area of not less than  
9       20,000 square miles, and that, for purposes of  
10      an application for a grant under this section,  
11      are represented by 1 or more governments or  
12      governmental agencies within such geographic  
13      area established by law, or by agreement of 2  
14      or more such governments or governmental  
15      agencies in a mutual aid agreement; or

16              “(B) any other combination of contiguous  
17      local government units (including such a com-  
18      bination established by law or agreement of two  
19      or more governments or governmental agencies  
20      in a mutual aid agreement) formally certified  
21      by the Secretary as a region for purposes of  
22      this Act with the consent of—

23              “(i) the State or States in which they  
24      are located, including a multi-State entity



1 established by a compact between two or  
2 more States; and

3 “(ii) the incorporated municipalities,  
4 counties, and parishes which they encom-  
5 pass.

6 “(5) HOMELAND SECURITY PLAN.—The term  
7 ‘homeland security plan’ means a plan developed by  
8 a State under subsection (f)(3).

9 “(6) TASK FORCE.—The term ‘Task Force’  
10 means the Task Force on Essential Capabilities for  
11 First Responders established under subsection (d).

12 **“SEC. 803. NATIONAL STANDARDS FOR FIRST RESPONDER**  
13 **EQUIPMENT.**

14 “(a) EQUIPMENT STANDARDS.—

15 “(1) IN GENERAL.—The Under Secretary for  
16 Science and Technology, in consultation with the  
17 Under Secretary for Emergency Preparedness and  
18 Response, shall, not later than 6 months after the  
19 date of enactment of this section, promulgate and  
20 annually update national standards for first re-  
21 sponder equipment. Such standards shall be, to the  
22 maximum extent practicable, consistent with any ap-  
23 plicable voluntary consensus standards, as appro-  
24 priate, and taking into account new types of ter-  
25 rorism threats that may not have been contemplated



1       when such standards were developed, and shall be  
2       focused on maximizing interoperability, durability,  
3       flexibility, efficiency, efficacy, portability, and safety.

4               “(2) REQUIRED CATEGORIES.—In developing  
5       equipment standards under paragraph (1), the  
6       Under Secretary for Science and Technology shall  
7       specifically include the following categories of first  
8       responder equipment:

9               “(A) Thermal imaging equipment.

10              “(B) Radiation detection and analysis  
11       equipment.

12              “(C) Biological detection and analysis  
13       equipment.

14              “(D) Chemical detection and analysis  
15       equipment.

16              “(E) Decontamination and sterilization  
17       equipment.

18              “(F) Personal protective equipment, in-  
19       cluding garments, boots, gloves, and hoods and  
20       other protective clothing.

21              “(G) Respiratory protection equipment.

22              “(H) Interoperable communications, in-  
23       cluding voice and data networks.

24              “(I) Explosive mitigation devices.

25              “(J) Containment vessels.



1 “(K) Contaminant-resistant vehicles.

2 “(b) SENSE OF CONGRESS REGARDING INTEROPER-  
3 ABLE COMMUNICATIONS.—

4 “(1) FINDING.—The Congress finds that—

5 “(A) many first responders working in the  
6 same jurisdiction or in different jurisdictions  
7 cannot communicate with one another, and

8 “(B) their inability to readily communicate  
9 with one another threatens the public’s safety  
10 and often results in unnecessary loss of lives  
11 and property.

12 “(2) SENSE OF CONGRESS.—It is the sense of  
13 the Congress that it is of national importance that  
14 standards for interoperable emergency communica-  
15 tions systems, including voluntary consensus stand-  
16 ards, should be developed and promulgated as soon  
17 as practicable for use by the first responder commu-  
18 nity.

19 **“SEC. 804. NATIONAL STANDARDS FOR FIRST RESPONDER**  
20 **TRAINING.**

21 “(a) IN GENERAL.—The Under Secretary for Emer-  
22 gency Preparedness and Response shall promulgate and  
23 regularly update national standards for first responder  
24 training in order to enable State and local government  
25 first responders to reach the applicable essential capabili-



1 ties in the shortest possible time. Such standards shall  
2 give priority to providing training to—

3 “(1) enable first responders to prepare for and  
4 respond to terrorist threats, including threats from  
5 chemical, biological, nuclear, and radiological weap-  
6 ons and explosive devices capable of inflicting heavy  
7 casualties; and

8 “(2) familiarize first responders with the proper  
9 use of emergency preparedness and response equip-  
10 ment, including software, developed pursuant to the  
11 standards established under this section.

12 “(b) REQUIRED CATEGORIES.—In developing the De-  
13 partment’s training standards, the Under Secretary for  
14 Emergency Preparedness and Response shall specifically  
15 include the following categories of first responder activi-  
16 ties:

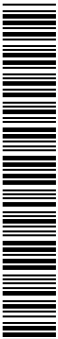
17 “(1) Regional planning.

18 “(2) Joint exercises.

19 “(3) Intelligence collection, analysis, and shar-  
20 ing.

21 “(4) Emergency notification of affected popu-  
22 lations.

23 “(5) Detection of biological, nuclear, radio-  
24 logical, and chemical weapons of mass destruction.



1           “(6) Such other activities for which the Under  
2       Secretary determines that national training stand-  
3       ards would be appropriate.

4       **“SEC. 805. CONSULTATION WITH STANDARDS ORGANIZA-**  
5               **TIONS.**

6       “In establishing voluntary standards for first re-  
7       sponder equipment and training under sections 803 and  
8       804, the Under Secretary for Science and Technology and  
9       the Under Secretary for Emergency Preparedness and Re-  
10      sponse, respectively, shall consult with relevant public and  
11      private sector groups, including—

12           “(1) the National Institute of Standards and  
13      Technology;

14           “(2) the National Fire Protection Association;

15           “(3) the National Association of County and  
16      City Health Officials;

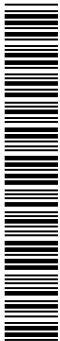
17           “(4) the Association of State and Territorial  
18      Health Officials;

19           “(5) the American National Standards Insti-  
20      tute;

21           “(6) the National Institute of Justice;

22           “(7) the Inter-Agency Board for Equipment  
23      Standardization and Interoperability;

24           “(8) the National Public Health Performance  
25      Standards Program; and



1 “(9) the National Institute for Occupational  
2 Safety and Health.”.

3 **SEC. 4. EMERGENCY PREPAREDNESS AND RESPONSE DI-**  
4 **RECTORATE.**

5 The Homeland Security Act of 2002 (Public Law  
6 107–296) is amended—

7 (1) by redesignating section 430 as section 511,  
8 and transferring that section to the end of subtitle  
9 A of title V; and

10 (2) in section 511, as redesignated by para-  
11 graph (1), in subsection (a), by striking “the Direc-  
12 torate of Border and Transportation Security” and  
13 inserting “the Directorate for Emergency Prepared-  
14 ness and Response”.

15 **SEC. 5. DEFINITION OF FIRST RESPONDER.**

16 (a) HOMELAND SECURITY ACT OF 2002.—Section 2  
17 of the Homeland Security Act of 2002 (6 U.S.C. 101) is  
18 amended by inserting after paragraph (7) the following:

19 “(7a) FIRST RESPONDER.—The term ‘first re-  
20 sponder’ means—

21 “(A) fire, emergency medical service, and  
22 law enforcement personnel; and

23 “(B) other emergency response providers  
24 under section 2(6).”.





1 (b) THIS ACT.—In this Act, the term “first responder  
2 has the meaning given that term in the amendment made  
3 by subsection (a) of this section.

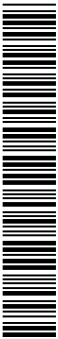
4 **SEC. 6. MODIFICATION OF HOMELAND SECURITY ADVI-**  
5 **SORY SYSTEM.**

6 (a) IN GENERAL.—Subtitle A of title II of the Home-  
7 land Security Act of 2002 (Public Law 107–296; 6 U.S.C.  
8 121 et seq.) is amended by adding at the end the fol-  
9 lowing:

10 **“SEC. 203. HOMELAND SECURITY ADVISORY SYSTEM.**

11 “(a) IN GENERAL.—The Secretary shall revise the  
12 Homeland Security Advisory System referred to in section  
13 201(d)(7) to require that any designation of a threat level  
14 or other warning shall be accompanied by a designation  
15 of the geographic regions or economic sectors to which the  
16 designation applies.

17 “(b) REPORTS.—The Secretary shall report to the  
18 Congress annually by not later than December 31 each  
19 year regarding the geographic region-specific or economic  
20 sector-specific warnings issued during the preceding fiscal  
21 year under the Homeland Security Advisory System re-  
22 ferred to in section 201(d)(7), and the bases for such  
23 warnings. This report shall be submitted in unclassified  
24 form and may, as necessary, include a classified annex.”.



1 (b) CLERICAL AMENDMENT.—The table of contents  
2 in section 1(b) of the Homeland Security Act of 2002 (6  
3 U.S.C. 101 et seq.) is amended by inserting after the item  
4 relating to section 202 the following:

“Sec. 203. Homeland Security Advisory System.”.

5 **SEC. 7. CIVIL PREPAREDNESS LIAISON OFFICE.**

6 Title V of the Homeland Security Act of 2002 (6  
7 U.S.C. 311 et seq.) is amended by adding at the end the  
8 following:

9 **“SEC. 510. CIVIL PREPAREDNESS LIAISON OFFICE.**

10 “The Under Secretary for Emergency Preparedness  
11 and Response shall establish a Civil Preparedness Liaison  
12 Office within the Directorate for Emergency Preparedness  
13 and Response, that shall be responsible for—

14 “(1) coordinating industry efforts to identify  
15 private sector resources and capabilities that could  
16 be effective in supplementing Federal, State, and  
17 local government agencies efforts to prevent or re-  
18 spond to a terrorist attack; and

19 “(2) administering the Citizen Corps program  
20 and establishing procedures for direct funding for  
21 local and municipal Citizen Corps preparedness ef-  
22 forts.”.

23 **SEC. 8. TECHNICAL AND CONFORMING AMENDMENTS.**

24 (a) SUPERSEDED PROVISIONS.—Insofar as such pro-  
25 visions relate to first responder grants, this Act supersedes



1 the provisions of Public Law 108–11 and section 1014 of  
2 Public Law 107–56.

3 (b) CLERICAL AMENDMENT.—The table of contents  
4 in section 1(b) of the Homeland Security Act of 2002 (6  
5 U.S.C. 101 et seq.) is amended by—

6 (1) inserting at the end of the items relating to  
7 subtitle A of title II the following:

“Sec. 203. Homeland Security Advisory System.”;

8 (2) inserting at the end of the items relating to  
9 title V the following:

“Sec. 510. Civil Preparedness Liaison Office.”; and

10 (3) inserting at the end of the items relating to  
11 subtitle A of title VIII the following:

“Sec. 802. Faster and smarter funding for first responders.

“Sec. 803. National standards for first responder equipment.

“Sec. 804. National standards for first responder training.

“Sec. 805. Consultation with standards organizations.”.

12 (c) RESPONSIBILITY OF UNDER SECRETARY FOR  
13 EMERGENCY PREPAREDNESS AND RESPONSE.—Section  
14 502 of the Homeland Security Act of 2002 (6 U.S.C. 182)  
15 is amended—

16 (1) by striking “and” at the end of paragraph  
17 (6);

18 (2) by striking the period at the end of para-  
19 graph (7) and inserting a semicolon; and

20 (3) by adding at the end the following new  
21 paragraphs:



1           “(8) defining the essential capabilities of State  
2           and local first responders in order to meet the De-  
3           partment’s goals for terrorism preparedness based  
4           upon the most current risk assessment by the Direc-  
5           torate of Information Analysis and Infrastructure  
6           Protection of the terrorist threat; and

7           “(9) identifying, establishing, updating, and  
8           disseminating standards for first responder train-  
9           ing.”.

